

1 U.S. DISTRICT JUDGE RICHARD A. JONES  
2  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 MICHAEL B. JOHNSON, )  
11 Plaintiff, ) CIVIL NO. 3:19-cv-06039-RAJ  
12 vs. ) ORDER  
13 COMMISSIONER OF SOCIAL SECURITY,)  
14 Defendant )  
15

16 This matter comes before the Court on the parties' stipulated motion for attorney's  
17 fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

18 The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day  
19 period in §2412(d)(1)(B), from the entry of final judgment on April 21, 2020 to file a  
20 timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9<sup>th</sup> Cir. 2002); *Melkonyan*  
21 *v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review  
22 of the stipulation and the record, the Court determines that Plaintiff is the prevailing  
23 party, the government's position was not substantially justified, and that the itemization  
24

25  
ORDER FOR EAJA FEES - 1

David Oliver & Associates  
2608 South 47<sup>th</sup> Street, Suite C  
Tacoma, WA 98409  
(253) 472-4357  
[david@sslawyer.org](mailto:david@sslawyer.org)

1 of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are  
2 met.

3 Having thoroughly considered the parties' briefing and the relevant record, the  
4 Court hereby GRANTS the motion and awards Plaintiff \$5,060.16 in attorney's fees,  
5 subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560  
6 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be sent to Plaintiff's attorney:  
7 David Oliver & Associates, 2608 South 48<sup>th</sup> Street, Suite C, Tacoma, WA 98409. Pursuant  
8 to *Ratiff*, award shall be payable to Plaintiff's attorneys, David Oliver & Associates, if the  
9 Commissioner confirms that Plaintiff owes no debt to the Government through the Federal  
10 Treasury Offset program.

11 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is  
12 GRANTED.

14 DATED this the 12th day of August, 2020.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



The Honorable Richard A. Jones  
United States District Judge